

112TH CONGRESS
1ST SESSION

H. R. 2512

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2011

Mr. HECK (for himself and Ms. BERKLEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Three Kids Mine Re-
5 mediation and Reclamation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) HAZARDOUS SUBSTANCE; POLLUTANT OR
2 CONTAMINANT; RELEASE; REMEDY; RESPONSE.—
3 The terms “hazardous substance”, “pollutant or
4 contaminant”, “release”, “remedy”, and “response”
5 have the meanings respectively set forth for those
6 terms in section 101 of the Comprehensive Environ-
7 mental Response, Compensation, and Liability Act
8 of 1980 (42 U.S.C. 9601).

9 (2) HENDERSON REDEVELOPMENT AGENCY.—
10 The term “Henderson Redevelopment Agency”
11 means the public body, corporate and politic, known
12 as the redevelopment agency of the City of Hender-
13 son, Nevada, established and authorized to transact
14 business and exercise its powers in accordance with
15 the Nevada Community Redevelopment Law (Nev.
16 Rev. Stat. 279.382 to 279.685, inclusive).

17 (3) SECRETARY.—The term “Secretary” means
18 the Secretary of the Interior.

19 (4) STATE.—The term “State” means the State
20 of Nevada.

21 (5) THREE KIDS MINE FEDERAL LAND.—The
22 term “Three Kids Mine Federal Land” means the
23 parcel or parcels of Federal land consisting of ap-
24 proximately 948 acres in sections 26, 34, 35, and
25 36, Township 21 South, Range 63 East, Mount Dia-

1 blo Meridian, Nevada, as depicted on the map enti-
2 tled “Three Kids Mine Project Site Map” and dated
3 _____ 2011.

4 (6) THREE KIDS MINE PROJECT SITE.—The
5 term “Three Kids Mine Project Site” means the
6 Three Kids Mine Federal Land and the adjacent ap-
7 proximately 314 acres of non-Federal land, together
8 comprising approximately 1,262 acres, as depicted
9 on the map entitled “Three Kids Mine Project Site
10 Map” and dated _____ 2011.

11 **SEC. 3. LAND CONVEYANCE.**

12 (a) IN GENERAL.—Notwithstanding sections 202 and
13 203 of the Federal Land Policy and Management Act of
14 1976 (43 U.S.C. 1712, 1713) and any other provision of
15 law, as soon as practicable after fulfillment of the condi-
16 tions in subsection (b), and subject to valid existing rights,
17 the Secretary shall convey to the Henderson Redevelop-
18 ment Agency all right, title, and interest of the United
19 States in the Three Kids Mine Federal Land.

20 (b) CONDITIONS.—

21 (1) DETERMINATION OF FAIR MARKET
22 VALUE.—The Secretary shall administratively adjust
23 the fair market value of the Three Kids Mine Fed-
24 eral Land as determined pursuant to paragraph (2)
25 based on the reasonable approximate assessment, re-

1 mediation and reclamation costs as determined pur-
2 suant to paragraph (3). The Secretary shall begin
3 the appraisal and cost determination under para-
4 graphs (2) and (3), respectively, not later than 30
5 days after the date of the enactment of this Act.

6 (2) APPRAISAL.—The Secretary shall determine
7 the fair market value of the Three Kids Mine Fed-
8 eral Land based on an appraisal without regard to
9 any existing contamination associated with historical
10 mining on the property and in accordance with na-
11 tionally recognized appraisal standards including the
12 Uniform Appraisal Standards for Federal Land Ac-
13 quisitions and the Uniform Standards of Profes-
14 sional Appraisal Practice.

15 (3) REMEDIATION AND RECLAMATION COSTS.—
16 The Secretary shall prepare a reasonable approxi-
17 mate estimation of the costs to assess, remediate,
18 and reclaim the Three Kids Mine Project Site. This
19 estimation shall be based upon the results of a com-
20 prehensive assessment Phase II environmental site
21 assessment of the Three Kids Mine Project Site pre-
22 pared by the Henderson Redevelopment Agency or
23 its designee that has been approved by the State,
24 and shall be prepared in accordance with the current
25 version of ASTM International Standard E-2137—

1 06 entitled “Standard Guide for Estimating Mone-
2 tary Costs and Liabilities for Environmental Mat-
3 ters”. The Phase II environmental site assessment
4 shall, without limiting any additional requirements
5 that may be required by the State, be conducted in
6 accordance with the procedures of the current
7 versions of ASTM International Standard E-1527-
8 05 entitled “Standard Practice for Environmental
9 Site Assessments: Phase I Environmental Site As-
10 sessment Process” and ASTM International Stand-
11 ard E-1903-97 (2002) entitled “Standard Guide for
12 Environmental Site Assessments: Phase II Environ-
13 mental Site Assessment Process”. The Secretary
14 shall review and consider cost information proffered
15 by the Henderson Redevelopment Agency and the
16 State. In the event of a disagreement among the
17 Secretary, Henderson Redevelopment Agency, and
18 the State over the reasonable approximate estimate
19 of costs, the parties shall jointly select one or more
20 experts to assist the Secretary in making the final
21 determination of such costs.

22 (4) CONSIDERATION.—The Henderson Redevel-
23 opment Agency shall pay the fair market value, if
24 any, as determined under this subsection.

1 (5) MINE REMEDIATION AND RECLAMATION
 2 AGREEMENT EXECUTED.—The Secretary receives
 3 from the State notification, in writing, that the Mine
 4 Remediation and Reclamation Agreement has been
 5 executed. The Mine Remediation and Reclamation
 6 Agreement shall be an enforceable consent order or
 7 agreement administered by the State that—

8 (A) obligates a party to perform the reme-
 9 diation and reclamation work at the Three Kids
 10 Mine Project Site necessary to complete a per-
 11 manent and appropriately protective remedy to
 12 existing environmental contamination and haz-
 13 ardous conditions; and

14 (B) contains provisions determined to be
 15 necessary by the State, including financial as-
 16 surance provisions to ensure the completion of
 17 such remedy.

18 (6) NOTIFICATION.—The Secretary receives
 19 from the Henderson Redevelopment Agency notifica-
 20 tion, in writing, that the Henderson Redevelopment
 21 Agency is prepared to accept conveyance of the
 22 Three Kids Mine Federal Land under this Act.

23 **SEC. 4. WITHDRAWAL.**

24 (a) IN GENERAL.—Subject to valid existing rights,
 25 for the 10-year period following the date of the enactment

1 of this Act or on the date of the conveyance required by
2 this Act, whichever is earlier, the Three Kids Mine Federal
3 Land is withdrawn from all forms of—

4 (1) entry, appropriation, operation, or disposal
5 under the public land laws;

6 (2) location, entry, and patent under the mining
7 laws; and

8 (3) disposition under the mineral leasing, min-
9 eral materials, and the geothermal leasing laws.

10 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-
11 ject to valid existing rights, any withdrawal under the pub-
12 lic land laws that includes all or any portion of the Three
13 Kids Mine Federal Land for which the Bureau of Rec-
14 lamation has determined that it has no further need under
15 applicable law is hereby relinquished and revoked solely
16 to the extent necessary to exclude from the withdrawal the
17 no longer needed property and to allow for the immediate
18 conveyance of the Three Kids Mine Federal Land as re-
19 quired under this Act.

20 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

21 Notwithstanding section 203 of the Federal Land
22 Policy and Management Act of 1976 (43 U.S.C. 1717),
23 the boundary of the River Mountains Area of Critical En-
24 vironmental Concern (NVN 76884) is hereby adjusted

1 consistent with the map entitled “Three Kids Mine Project
2 Site Map” and dated _____ 2011.

3 **SEC. 6. RELEASE OF THE UNITED STATES.**

4 Upon making the conveyance under section 3, not-
5 withstanding any other provision of law, the United States
6 is released from any and all liabilities or claims of any
7 kind or nature arising from the presence, release, or threat
8 of release of any hazardous substance, pollutant, contami-
9 nant, petroleum product (or derivative of a petroleum
10 product of any kind), solid waste, mine materials or min-
11 ing related features (including tailings, overburden, waste
12 rock, mill remnants, pits, or other hazards resulting from
13 the presence of mining related features) at the Three Kids
14 Mine Project Site in existence on or before the date of
15 the conveyance.

16 **SEC. 7. SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT**
17 **ACT.**

18 Southern Nevada Public Land Management Act of
19 1998 (31 U.S.C. 6901 note; Public Law 105–263) shall
20 not apply to land conveyed under this Act.

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